

City of Newburyport Zoning Board of Appeals Application for a SPECIAL PERMIT for NON-CONFORMITIES

Petitioner: Alissa & Kenneth Christie c/o Lisa Mead Mead, Talerman & Costa LLC

Mailing Address: 30 Green Street, Newburyport, MA 01950

Phone: 978-463-7700 Email: lisa@mtclawyers.com

Property Address: 3 Lunt Street

Map and Lot(s): 25/16 Zoning District: R2/DCOD

Book and Page(s): 34989/0216

Owner(s) Name: Alissa & Kenneth Christie

Mailing Address (if different): 3 Lunt Street, Newburyport, MA 01950

This request for a Special Permit for Non-Conformities is made under section(s):
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Extension or Alteration (IX.B.2) | <input type="checkbox"/> Over 500 s.f. increase (IX.B.3.c) |
| <input type="checkbox"/> Parking | <input type="checkbox"/> Plum Island Overlay District (XXI-G) |
| <input checked="" type="checkbox"/> Upward Extension | <input type="checkbox"/> FAR |
| <input type="checkbox"/> Open Space | <input type="checkbox"/> Footprint Expansion |
| <input type="checkbox"/> Height | <input type="checkbox"/> Height Increase |
| <input type="checkbox"/> Lot Area | |
| <input type="checkbox"/> Use | |
| <input type="checkbox"/> Rear Yard | |
| <input type="checkbox"/> Lot Coverage | |
| <input type="checkbox"/> Side Yard | |
| <input type="checkbox"/> Lot Frontage | |
| <input type="checkbox"/> Front Yard | |

Description of request:

Proposed change to porch portion of structure's roof pitch into a flat roof resulting in intensification in upward direction of a side yard setback non-conformity.

All information contained within this application will become a formal part of the Zoning Board of Appeals proceedings and decision.

City of Newburyport Zoning Board of Appeals
Application for a SPECIAL PERMIT for NON-CONFORMITIES

	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area	10,000 sq. ft.	5,035 sq. ft.	5,035 sq. ft.
Frontage	90 ft.	45.78 ft.	45.78 ft.
Height*	35 ft.	27 ft.	27 ft.
Max. Lot Coverage (%)**	25%	28.2%	28.2%
Min. Open Space (%)***	40%	62.1%	62.1%
Primary Front Setback	25 ft.	6.6 ft.	6.6 ft.
Side A Setback/Secondary Front Setback	10 ft.	4.7 ft.	4.7 ft.
Side B Setback	10 ft.	8.0 ft.	8.0 ft.
Rear Setback	25 ft.;	57.4 ft.	57.4 ft.
Parking Spaces	2	2	2
FAR****			

*Height is measured to median roof line.

**Total building footprint divided by the lot area expressed as a percentage.

***Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

****FAR is only applicable in the Plum Island Overlay District (PIOD).

Any advice, opinion, or information given by any board member or any other official or employee of the City of Newburyport shall not be binding on the Zoning Board of Appeals. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy of this application received by the City Clerk or Planning Office does not absolve the petitioner from this responsibility. The petitioner shall be responsible for all expenses for the filing, publication, and legal notification. Failure to comply with the application requirements, as cited herein and in the Zoning Board Rules and Regulations may result in a dismissal by the ZBA of this application as incomplete.

By checking this box and typing my name below, I am electronically signing this application.

 Petitioner

By checking this box and typing my name below, I am electronically signing this application.

 Owner (if different)

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2020-095

Name: Alissa and Kenneth Christie

Address: 3 Lunt Street Zoning District(s): R2/DCOD

Request: Construct new roofline at non historic sunroom to rear of structure resulting in an upward extension of a nonconforming side yard setback. No existing wall demolition so not DCOD trigger.

ZONING BOARD REVIEW REQUIRED

Variance

- Dimensional Controls (VI)
 - Lot Area
 - Lot Frontage
 - Lot Coverage
 - Parking (VII)
 - Modification
- Open Space
- Height
- Lot Width

Sign Variance

- Signs (VIII)
 - Type
 - Lighting
- Size
- Location

Other

Special Permit

- Table of Use Regulations (V.D) #: _____
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Demolition Control Overlay District (XXVIII)*
- Wind Energy Conversion Facilities (XXVI)
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
- Rear Yard
- Lot Coverage
- Side Yard
- Lot Frontage
- Front Yard
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G)
 - FAR
 - Lot Coverage
- Height
- Setbacks
- Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Use Regulations (V-D) # _____
- One residential structure per lot (VI.C)
- Open Space Residential Development (XIV)
- Water Resource Protection District (XIX)
- Federal Street Overlay District (XXII)
- Courts and Lanes (XXIII)
- Waterfront West Overlay District (XXIV)
- Towle Complex Redev. Overlay District (XXV)
- Downtown Overlay District (XXVII)*
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
- Rear Yard
- Lot Coverage
- Side Yard
- Lot Frontage
- Front Yard
- Over 500 sf. increase (IX.B.3.c)

Site Plan Review (XV)

- Major
- Minor

Smart Growth District (XXIX)

- Plan Approval

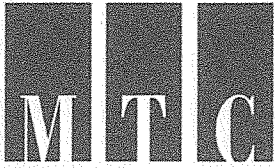
HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

The name typed below represents the intent to sign the foregoing document:

Jennifer T Blanchet 12/23/2020
Newburyport Zoning Administrator Date



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747
www.mtclawyers.com

December 30, 2020

By Hand

Rob Ciampitti, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Special Permit for Non-Conformities
3 Lunt Street, Newburyport, MA (the "Property")
Assessor's Map: 25 Lot: 16

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents Alissa and Kenneth Christie, the owners of the Property proposing a change to the roof pitch on the porch/sunroom portion of the structure (the "Applicants"). There will be no change to the footprint of the Structure.

The Property is located in the R-2 zoning district and DCOD Overlay District of the Newburyport Zoning Ordinance (the "Ordinance"). It is a single family home. The Property is pre-existing nonconforming for lot area, frontage, side and front setbacks and lot coverage. The R2 district requires a minimum lot size of 10,000 square feet and minimum frontage of 90 feet; the Property measures 5,035 square feet and has frontage of 45.78 feet on Lunt Street. The side setbacks are required at 10 feet and the Property includes setbacks of 4.7 feet and 8 feet. The maximum allowable lot coverage is 25% and the existing lot coverage is 28.2%. As there will be no change to the existing footprint of the structure, these dimensional non conformities will not change.

While the original Structure was constructed in or around the mid-1800s, the portion which the Applicants seek to modify was constructed pursuant to a Special Permit and Building Permit issued in 2004. A rear deck was enclosed by a three season porch pursuant to a Special Permit. It is this enclosed porch that the Applicant seeks to modify. The Applicants seek to change the pitch on the roof to create a flat roof on the porch. In doing so the Applicants will be intensifying a side yard setback non-conformity in an upward direction. The Applicants' work does not trigger the requirements for a DCOD Special Permit.

The Applicants require a special permit for non conformities under Section IX-B(2)(A) of the Ordinance due to the intensifying a side yard setback in an upward direction. This section allows the modification of a preexisting nonconforming single-family structure where the Board finds that:

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400

1. There will be no addition of a new non-conformity; and
2. The proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure.

1. As shown on the plans, there will be no addition of a new non-conformity. The footprint of the Property is not changing. Other than one of the side setbacks being intensified by an upward expansion, none of the existing non conformities will be changed. While the side setback is expanding upward, it will remain on the same existing footprint and be setback from the side boundary will be the same eight (8) feet as what currently exists.


2. The proposed changes will not be substantially more detrimental to the neighborhood than the preexisting nonconforming Structure. As the Board is aware, the term "substantially" means to a great or significant extent. The term "detrimental" means tending to cause harm. As a result, it is not enough for the proposal to be different than that which is around it but that it will to a great or significant extent cause harm to the neighborhood, as compared to the existing structure. See *McAler v. Board of Appeals of Barnstable*, 361 Mass. 317, 321 (1972).

To reiterate, the entire existing footprint of the structure will remain the same. Aside from a side yard setback being intensified upwards, none of the existing non conformities are changing. Regarding the upward intensification itself, it is simply changing the existing pitched roof of the porch into a flat roof. As shown on the proposed and existing elevations, the median roof height of the existing porch is 11' 7.5" and is proposed to increase to 13' 3" as a result of flattening the porch roof. This is less than two feet and remains consistent with surrounding neighborhood. Furthermore, this remains well below the maximum 35' building height allowed in the R-2 District. The porch is located at the rear of the Property and will have a nominal effect, if any, on the surrounding neighborhood. Other than a brief sightline between the Property and the abutting property of 54 Purchase Street that is partially screened by tree limbs, the rear porch cannot be seen from the street. As to the impacts on the neighborhood generally, this use is remaining as single family which is the least intense use where some of structures abutting the property that are more intense two family or condo uses.

Based upon the foregoing, the Board can find that the proposed application is not substantially more detrimental to the neighborhood than the existing Structure and approve a Special Permit for Non-Conformities.

Thank you for your consideration.

Respectfully submitted,
Alissa and Kenneth Christie
By their Attorney


Lisa L. Mead

Attachment
cc: client

3 LUNT ST

Location 3 LUNT ST

MBLU 25/ 16/ / /

Owner CHRISTIE KENNETH A

Assessment \$1,014,600

PID 1320

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$764,800	\$249,800	\$1,014,600

Owner of Record

Owner CHRISTIE KENNETH A

Sale Price \$940,000

Co-Owner ALISSA M T/E

Certificate

Address 3 LUNT ST

Book & Page 34989/0216

NEWBURYPORT, MA 01950

Sale Date 06/09/2016

Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CHRISTIE KENNETH A	\$940,000		34989/0216	00	06/09/2016
CARLAT DANIEL J TRS	\$0		29018/0402	1F	10/26/2009
CARLAT DANIEL J	\$874,900		23089/0393	1P	07/02/2004
DUNN-HUGHES BEVERLY TRUSTEE	\$325,000		20503/0346	1O	04/02/2003
ELLERY ALBERT	\$0		13670/0270		07/22/1996

Building Information

Building 1 : Section 1

Year Built: 2003

Living Area: 3,111

Building Attributes	
Field	Description
Style:	Colonial
Model	Residential

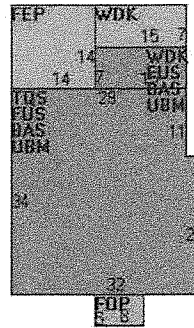
Grade:	Above Avg +20
Stories:	2.75
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Ceram Clay Til
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	4 Bedrooms
Total Bthrms:	3
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	11 Rooms
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Kitchen Grd	
Fndtn Cndtn	
Basement	

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/01\00197194.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos/Sketches/1320_13)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,160	1,160	
FUS	Upper Story, Finished	1,160	1,160	
TQS	Three Quarter Story	1,055	791	
FEP	Porch, Enclosed	196	0	
FOP	Porch, Open	40	0	
UBM	Basement, Unfinished	1,160	0	
WDK	Deck, Wood	210	0	
		4,981	3,111	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL4	FIREPLACE, MNF	1.00 UNITS	\$1,700	1

Land

Land Use

Use Code 1010
Description SINGLE FAM

Land Line Valuation

Size (Acres) 0.11
Depth 0
Assessed Value \$249,800

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAT2	PATIO-GOOD			290.00 S.F.	\$1,700	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$729,400	\$249,800	\$979,200

ZONING

RESIDENTIAL (R-2)
SINGLE-FAMILY (101)

	REQUIRED (SINGLE-FAMILY - 101)	EXISTING (SINGLE-FAMILY - 101)	PROPOSED (SINGLE-FAMILY - 101)
MINIMUM LOT AREA	10,000 SQUARE FEET	5,035 SQUARE FEET	5,035 SQUARE FEET
MINIMUM LOT FRONTAGE	90 FEET	45.78 FEET	45.78 FEET
FRONT SETBACK	25 FEET	6.6 FEET	6.6 FEET
SIDE SETBACK (R)	10 FEET	4.7 FEET	4.7 FEET
SIDE SETBACK (L)	10 FEET	8.0 FEET	8.0 FEET
REAR SETBACK	25 FEET	57.4 FEET	57.4 FEET
MAXIMUM LOT COVERAGE(%)	25.0%	28.2%	28.2%
MAXIMUM HEIGHT	35 FEET	27 FEET	27 FEET
MINIMUM OPEN SPACE	40.0%	62.1%	62.1%
MINIMUM PARKING REQUIRED	2	2	2

ON-LINE ZONING ORDINANCES
CITY OF NEWBURYPORT WEBSITE
<http://www.cityofnewburyport.com/Planning/Index.html>
PLANNING DEPARTMENT - MAIN PHONE 978-485-4400

INFORMATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT INTENDED TO BE A DEFINITIVE ZONING OPINION AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL INFORMATION SHOULD BE VERIFIED BY LEGAL COUNSEL PRIOR TO RELIANCE UPON THE SAME.


NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE VISIBLE EXISTING CONDITIONS ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED OCTOBER 15, 2020 BY THIS FIRM.

DESIGN INFORMATION HAS BEEN PROVIDED BY THE CLIENT'S ARCHITECT.

OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.

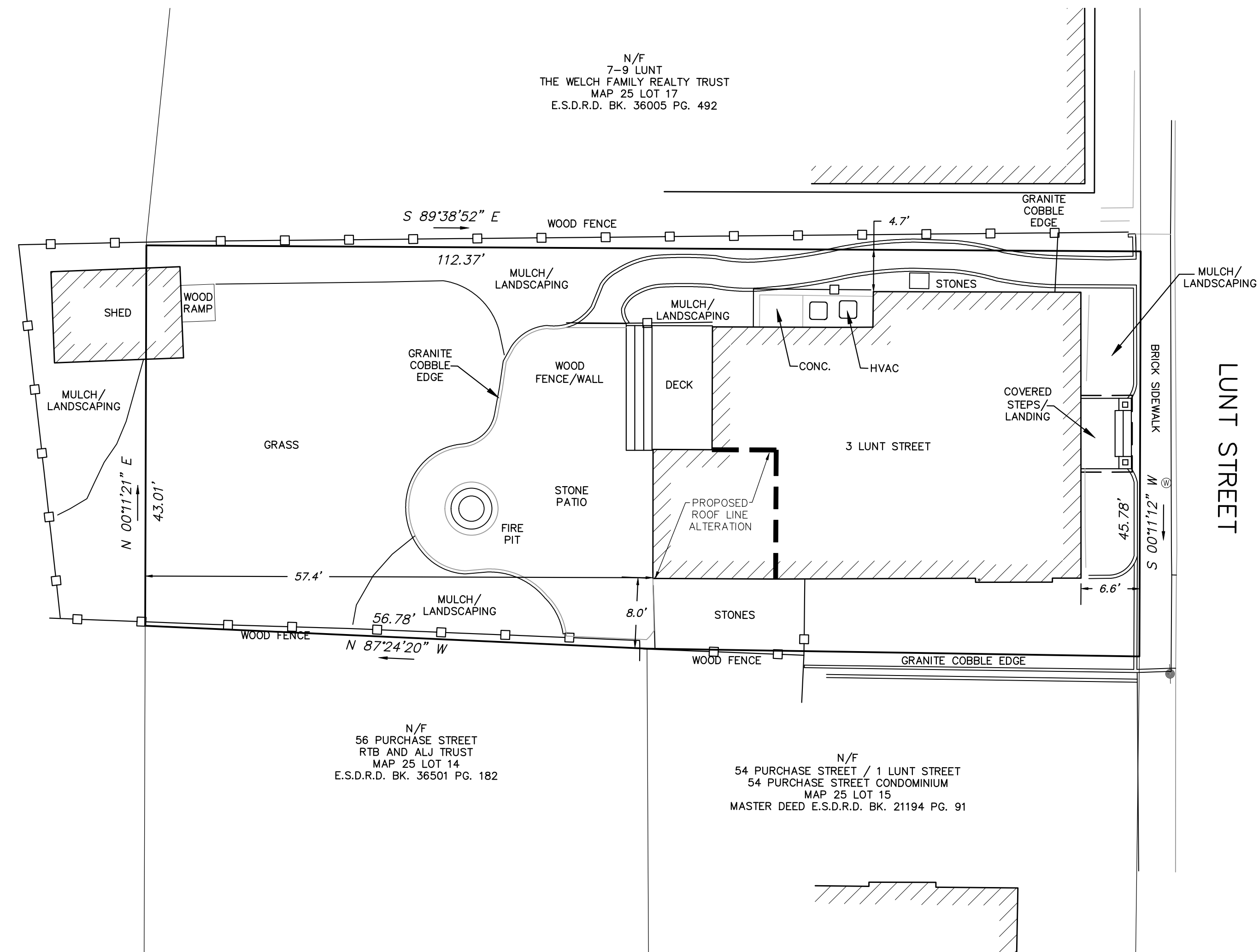
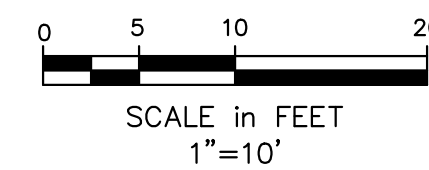
TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

P.L.S. 
EVERETT J. CHANDLER, P.L.S.
MASS. REGISTRATION NO. 41783

LOCUS TITLE INFORMATION

3 LUNT STREET

OWNER: KENNETH A. & ALLISSA M. CHRISTIE
DEED REFERENCE: BK: 34989 PG: 216
ASSESSORS: MAP 25 LOT 16



SCALE:				
HORIZ: 1"= 10'				
VERT: _____				
NO.	DATE	BY	REVISIONS	

FIELD: CO
CALCS: EC
CHECKED: EJC
APPROVED: EJC

ZONING PLAN

3 LUNT STREET

PLAN OF LAND IN
NEWBURYPORT, MASSACHUSETTS
SURVEYED FOR
KENNETH & ALISSA CHRISTIE

PROJECT NO.
2020-3LUNT

DATE: DEC 22, 2020

SHEET NO.

1 OF 1

ADDITIONS/ALTERATIONS TO THE
THE CHRISTIE RESIDENCE
AT
3 LUNT STREET, NEWBURYPORT, MA 01950



1 EXISTING REAR ELEVATION
Scale: 1/4" = 1'-0"



2 EXISTING RIGHT ELEVATION
Scale: 1/4" = 1'-0"

REVISION & REISSUE NOTES

No.	Date	Notes

Project # 2020-26	Project Manager M.L.	Date 12/18/2020
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Scale: AS NOTED

EXISTING
ELEVATIONS

EC4



